

Danner, Ward

From: NiColle Holland <nraber@aol.com>
Sent: Wednesday, April 30, 2014 2:04 PM
To: Lisa.Pinto@mail.house.gov; Stanislaus, Mathy; Breen, Barry; Blumenfeld, Jared; Mccarthy, Gina; Huetteman, Tom
Cc: debbie.raaphael@dtsc.ca.gov; Senator.Pavley@outreach.senate.ca.gov; zev@bos.lacounty.gov; SNissman@bos.lacounty.gov; EShultz@bos.lacounty.gov; vbauchman@ph.lacounty.gov; tpowell@ph.lacounty.gov; abellomo@ph.lacounty.gov; twilliams@ph.lacounty.gov; Laura_Schiller@boxer.senate.gov; sean.macneil@asm.ca.gov; EHughes@cde.ca.gov; TTorlakson@cde.ca.gov; henry.stern@sen.ca.gov
Subject: Re: Malibu High Contamination

Ms. Pinto!

Thank you! Our children and teacher's need all the help we can get right now.

There is a town hall tomorrow night if there is any chance a representative could come from your office? All are welcome...

Sincerely,

NiColle Holland

Malibu Unites invites you to a Town Hall meeting this Thursday night at Duke's

It's time to get straight answers about toxins in our schools.

Thursday, May 1st, 2014

Dukes: arrival time: 6:30 pm, presentation to begin at 7pm

On Friday, April 25, Environ, the environmental company hired by SMMUSD, submitted its 81-page plan for inspection, management and removal of PCBs at MHS. The document was submitted to our state EPA office for approval. Malibu Unites has hired a team of experts for oversight. They have one week to comment on this plan and submit it to the EPA. Community input will be essential to our ability to move forward in a way that adequately represents everyone's concerns.

Operating under a strict time deadline, Malibu Unites has flown in our experts and put together a Town Hall for this Thursday evening to help MHS parents, teachers and local residents understand the Environ PCB plan and get straight answers from experts. We are fortunate to have four of our Advisory Council members (see below) available to meet with us. They will translate the Environ plan into laypersons' terms and answer questions, including health concerns, that have been lingering since the contamination issue was brought to public attention in October 2013.

We want to know your concerns. We want to hear your ideas. Equally as important, we want you to get your questions answered. Please join us at Duke's Restaurant, 21150 Pacific Coast Highway, from 6:30 to 10 p.m. for this unique opportunity.

Admission is free.

Malibu Unites Advisory Council Panelists:

Kurt Fehling, is the Malibu Unites Independent Expert Team Leader. A senior health scientist with more than a dozen years of experience in conducting human health risk assessments for occupational and residential populations exposed to contaminated soil, air, or groundwater. A principal in The Fehling Group, he and his experienced team will offer expert oversight for the planning, testing, and lab analysis of samples taken from the MHS site. Our team consists of five experts with PHD and Masters in their respected field. Fehling will be available to answer any scientific questions you may have about the toxins found on campus, the

remediation work done thus far, and his recommendations for future testing.

Nachman Brautbar, MD, is board certified in internal medicine, Nephrology and Forensic Medicine, with a specialization in Medical Toxicology. His list of past and present academic appointments include Associate Professor of Pharmacology and Clinical Professor of Medicine at the University of Southern California. He specializes in the toxicological and internal medicine aspects of toxic exposure and can talk with us about the long-term and cumulative effects of toxins on the body.

Christina Georgio, JD, is a staff attorney for New York Lawyers for the Public Interest, a non-profit civil rights legal organization that puts its legal, policy and community-organizing expertise at the service of New York City communities and individuals. NYLPI represented New York City community members in the NYC PCB-Free Schools campaign involving 2,200 schools in New York City. Georgio was instrumental in winning the case against NYC to ensure that PCBs must be tested for and removed from the city schools in a timely manner. She will share NYC's experience with us as a teaching tool and offer suggestions for how Malibu can rally to rid its schools of PCBs.

Penny Newman is executive director of the Center for Community Action and Environmental Justice, one of the oldest and most accomplished environmental justice organizations in the country. She was instrumental in fighting for the cleanup of one of California's top priority Superfund sites, the Stringfellow acid pits, which were contaminating her neighborhood school in Glen Avon, California, in the late 1970s. Since then she has been helping citizens' groups in their efforts to maintain safe air, water, and land in their communities. Newman has been called a "SuperWoman" for her work and has received honors and awards from South Coast Air Quality Management District, the California Senate, U.S. Senator Barbara Boxer, and the Environmental Protection Agency. She will help us navigate the government agencies and tell us what we need to do to ensure that our schools are comprehensively tested.

Penny Newman

"Once your exposed to these chemicals (DDE, pesticides, Chlordane, PCBs, etc) it starts a whole disease"

Kenneth Spaeth, MD, MPH

Medical Director of the Occupational and Environmental Medicine Center at the North Shore-LIJ Health System

process that affects all parts of your body.” states Penny. “Never let anyone tell you low levels of toxins will not hurt you. There is no safe amount of toxin exposure that will not have some effect on you and your body. Just because you do not turn green the moment you are exposed does not mean that your cells are not being forever changed by this low level exposure.”

"More comprehensive testing is needed before the Malibu Schools can be declared safe. With testing showing PCBs at 50 ppm, it is reasonable for the Malibu community to have concerns about the effect that it may have on the health of their children as well the teachers and staff. PCBs in schools is an important public health issue nationally and, in Malibu, there is ample evidence that a more thorough assessment of the school environment is warranted. When that is completed, the Malibu community will be better able to assess the full extent of the exposures that the students and staff are experiencing."

-----Original Message-----

From: Pinto, Lisa <Lisa.Pinto@mail.house.gov>

To: NiColle Holland <nraber@aol.com>; stanislaus.mathy <stanislaus.mathy@epa.gov>; breen.barry <breen.barry@epa.gov>; blumenfeld.jared <blumenfeld.jared@epa.gov>; mccarthy.gina <mccarthy.gina@epa.gov>; Huetteman.Tom <Huetteman.Tom@epa.gov>

Cc: debbie.rafael <debbie.rafael@dtsc.ca.gov>; Senator.Pavley <Senator.Pavley@outreach.senate.ca.gov>; zev <zev@bos.lacounty.gov>; SNissman <SNissman@bos.lacounty.gov>; EShultz <EShultz@bos.lacounty.gov>; vbauchman <vbauchman@ph.lacounty.gov>; tpowell <tpowell@ph.lacounty.gov>; abellomo <abellomo@ph.lacounty.gov>; twilliams <twilliams@ph.lacounty.gov>; Laura_Schiller <Laura_Schiller@boxer.senate.gov>; Huetteman.Tom <Huetteman.Tom@epa.gov>; sean.macneil <sean.macneil@asm.ca.gov>; EHughes <EHughes@cde.ca.gov>; TTorlakson <TTorlakson@cde.ca.gov>

Sent: Wed, Apr 30, 2014 12:29 pm

Subject: RE: Malibu High Contamination

Thank you for sharing your email with our office, NiColle. I will send it to Congressman Waxman.

Lisa

Lisa Pinto

District Director

Congressman Henry A. Waxman

From: NiColle Holland [<mailto:nraber@aol.com>]

Sent: Wednesday, April 30, 2014 3:49 AM

To: stanislaus.mathy@epa.gov; breen.barry@epa.gov; blumenfeld.jared@epa.gov; mccarthy.gina@epa.gov; Huetteman.Tom@epa.gov

Cc: debbie.rafael@dtsc.ca.gov; Senator.Pavley@outreach.senate.ca.gov; zev@bos.lacounty.gov; SNissman@bos.lacounty.gov; EShultz@bos.lacounty.gov; vbauchman@ph.lacounty.gov; tpowell@ph.lacounty.gov; abellomo@ph.lacounty.gov; twilliams@ph.lacounty.gov; Pinto, Lisa; Laura_Schiller@boxer.senate.gov; Huetteman.Tom@epa.gov; sean.macneil@asm.ca.gov; EHughes@cde.ca.gov; TTorlakson@cde.ca.gov

Subject: Malibu High Contamination

Dear EPA,

Why is EPA region 9 failing our school in Malibu, CA.? Why is EPA region 9 avoiding enforcing EPA LAW and enabling a school district greatly concerned with liabilities acceptable among your great agency? Why is our school district using region 9 office to avoid their responsibilities? We believed EPA was there to protect our children and those that teach them. Why is your office making a poor example out of our school by avoiding EPA LAW- and using our children as a current "HEALTH EXPERIMENT"?

Scientific tests prove contamination at unacceptable levels on our campus; where and what has still not been answered. No precautions are presently being taken on our campus putting our children in possible harms way on a daily basis. The burden of proof has not been met, otherwise.

"EPA admitted that no more testing of caulk and removal of all caulk above 50 ppm (eg. continued non compliance with the law) was their policy on the Malibu case." - **PLEASE EXPLAIN**

"EPA also admitted that they do not care about the direct contact or ingestion pollution pathway, only the air pathway, despite their own scientific evidence that contaminated dust is just as dangerous as contaminated air." - **PLEASE EXPLAIN**

"Given that the past analysis conducted by the Phylmar Group was essentially just a screening analysis and found that 4 of 10 solid samples exceed the TSCA 761 limit of 50 parts per million and require remediation, it seems prudent to conduct an additional investigation to ensure the school is properly remediated. It is also noteworthy that 3 wipe samples exceeded the TSCA limit of 10 micrograms per 100 cubic centimeters demonstrating that surfaces are contaminated with PCBs and children can be exposed to dust and PCB residues. It is evident that the school needs to be cleaned using a certified professional utilizing vacuums fitted with HEPA filters." - Paul E. Rosenfeld Ph.D. (prosenfeld@swape.com)

EPA has not only failed to require thorough testing, it has actually encouraged the school to limit its investigation in order to avoid finding out the extent of the contamination. Dr. Paul Rosenfeld, a preeminent EPA and DOD Superfund assessment and remediation contractor (headquartered in Santa Monica, CA) reports that EPA Officials told the school district to avoid further PCB testing in the schools' dust and caulking because, if the levels exceed the 50 ppm standard, as they likely will, the school district will have to incur the cost to fully remediate and remove it. Dr. Rosenfeld has referred to the EPA's conduct to date as "*an awful state of affairs.*"

EPA website -

IT IS AGAINST THE LAW TO HAVE PCBS OVER 50PPM "Caulk containing PCBs at levels \geq 50 ppm is not authorized for use under the PCB regulations and must be removed."

PCB Criminal Violations: Elements: A person knowingly or willfully

Failed or refuse to comply with [a PCB regulation] the PCB substance contained 50 ppm or greater PCBs / Statute: 15 U.S.C. 2615(b) Penalty:

- 1 year and/or up to \$25,000 per day violation
- Relevant Regulations: 40 C.F.R. 761

<http://www2.epa.gov/enforcement/criminal-provisions-toxic-substances-control-act-tsca#two>

TSCA states: Caulk with PCBs equal to or greater than 50PPM is not an allowed use.

We request EPA to enforce the law at Malibu High School and test the caulk and dust in ALL classrooms for PCBs. We request to close the classrooms where levels exceed EPA standards, until those classrooms' caulk and dust are removed and remediated.

*Please confirm EPA region 9 (San Francisco) office will uphold and enforce EPA LAWS, regulations and protocol on our tri-school campus ranging from **5 year olds** to 18 year olds, that were made to protect all people.*

*Thank you for your time and attention.
Please respond.*

Sincerely,
NiColle Holland
Malibu High Parent
nraber@aol.com
310-430-2833